

REMEDATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR February 4, 2004

SAG DEADLINE RAPIDLY APPROACHING

Don't forget that the deadline for Site Assessment Grant (SAG) applications is coming up next week. Applications are due to DNR on Friday, February 13. For more information, please see our SAG web pages at <http://dnr.wi.gov/org/aw/rr/rbrownfields/sag.htm>

SAG RULE UPDATE

The Natural Resources Board has approved public hearings on proposed changes to the administrative rule for Site Assessment Grants. The hearing dates will be announced soon. Meanwhile, the proposed changes are on our web site at http://dnr.wi.gov/org/aw/rr/wi_regs/index.htm#anchor74198

REMINDER - NER CONSULTANT DAY MARCH 31

The RR Program's Northeast Region and the Federation of Environmental Technologists (FET) have scheduled a seminar for environmental consultants on March 31, 2004. The agenda and registration form are on FET's web site at <http://www.fetinc.org/3-31-04NERConsultantsDay.pdf>

NEW REPORTS ON WISCONSIN'S BROWNFIELD PROGRAM

Two national non-profit and non-partisan organizations, Resources For the Future (RFF) and the Center for Public Environmental Oversight (CPEO), have released three studies on Wisconsin's brownfield programs. The studies were funded by the Andrew W. Mellon Foundation, which makes grants in several core areas, including conservation and the environment. The reports review decentralization of brownfield programs from EPA to the states, using Wisconsin as an example of state agencies enlarging their role from a traditional focus on environmental protection to incorporation of other social goals. "The Brownfield Bargain: Negotiating Site Cleanup Policies in Wisconsin," is an historical analysis of brownfield program development. "Brownfield Redevelopment in Wisconsin: Program, Citywide and Site Level Studies," uses case studies to look at how these changes have influenced local governments and the private sector. "Brownfield Redevelopment in Wisconsin: A Survey of the Field," reports on survey results from 250 brownfield stakeholders. For more information and a link to the reports, please see our press release at <http://www.dnr.state.wi.us/org/caer/ce/news/on/2004/on20040203.htm#art4>

EXPANDED ELIGIBILITY FOR FEDERAL BROWNFIELD GRANTS

The federal fiscal year 2004 budget for EPA was signed into law on January 23, 2004 (PL 108-199, the omnibus budget). The language included a provision that eliminates the "date of purchase" restrictions on eligibility for federal brownfield grants. In other words, the assessment, cleanup and revolving loan fund grants, for which applications were due to EPA on December 4, 2003, now have a relaxed eligibility provision regarding the date of purchase. EPA has indicated that the agency plans to re-open their application period for 30 days, beginning with an announcement in the federal register next week. The change to the date restrictions applies only to this federal fiscal year. Potential applicants who decided not to pursue a grant, or others who omitted sites from their cleanup grant applications due to the original restrictions, may now want to submit or resubmit an application. Local governments are eligible to apply for these grants, and non-profit organizations may also apply for the cleanup grants.

To summarize the major change: EPA's original grant guidelines stated that assessment and cleanup costs were not eligible if the applicant was potentially liable for cleanup under Superfund. Since the date of purchase affects Superfund liability, most properties purchased by an applicant prior to January 11, 2002 were ineligible for these federal grants under the original guidelines.

Under the new provisions, an applicant can be eligible for a grant by meeting the "bona fide prospective purchaser" criteria for property purchased before January 11, 2002. This means that an applicant must have performed "all appropriate inquiry", at a minimum a phase 1 investigation, prior to purchase. But the date of purchase no longer limits grant eligibility, and results of the appropriate inquiry may indicate contamination. In all cases, the applicant must not be affiliated with someone that is responsible for the contamination. More information about these grants is

available at http://dnr.wi.gov/org/aw/rr/financial/federal_brflids.html - but this information does not reflect the changes that we expect EPA to announce next week. You may contact EPA Region 5 or Laurie Egge, DNR, at 608-267-7560 or Laurie.Egge@dnr.state.wi.us if you have questions about eligibility for these grants.

DO NOT FILTER PAH SAMPLES

Questions still arise regarding filtering groundwater samples that may contain polycyclic aromatic hydrocarbons (PAHs). It is true that particulates that result from well construction may carry undissolved PAHs, artificially raising groundwater PAH levels. However, it is also true that filtering removes natural colloids and other particles from the groundwater flow, and artificially reduces PAH levels in the sample. To avoid collecting groundwater samples with PAHs that are attached to artificially mobilized colloids and particulates, consultants may use low-flow purging and sampling techniques rather than a bailer. Benzo(a)pyrene (B(a)P) is one of the PAHs of greatest concern, and is also one of the least soluble PAHs. Its high retardation factor means that it is more likely to stick to a filter. If filtered, the analytical results would be biased low on B(a)P compared to other compounds with lower retardation factors. In other words, B(a)P doesn't go through filters, so any analysis of a filtered sample for PAHs is suspect. If consultants have questions, they should consult with their DNR project manager. Problems with filtering groundwater when sampling for organic contaminants like PAHs are discussed in DNR's Groundwater Water Sampling Desk Reference (Sept 1996, PUBL-DG-037-96) beginning on page 85. This publication is available at <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/DG037b.pdf>. DNR's companion Groundwater Sampling Field Manual is also available on line at <http://dnr.wi.gov/org/aw/rr/archives/pubs/DG038.pdf>.

FIRST ANNUAL REPORT FROM DNR'S AIR & WASTE DIVISION

The Air and Waste Division of the Wisconsin DNR is comprised of four programs – Remediation and Redevelopment, Air Management, Waste Management and Cooperative Environmental Assistance. Al Shea is the Division Administrator. The Air & Waste Division has completed its first annual report, covering 2003. The annual report includes information about regulatory improvements in each program, as well as success stories, and is available on-line at: www.dnr.state.wi.us/environmentprotect/AR03.pdf

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